

# **EXHIBIT 15**

# **EXHIBIT 15**

1 THOMAS P. BEKO, ESQ. (#002653)  
2 PAUL M. BERTONE, ESQ. (#004533)  
3 ERICKSON, THORPE & SWAINSTON  
4 99 West Arroyo Street  
5 P.O. Box 3559  
6 Reno, Nevada 89505  
7 Telephone: (775) 786-3930  
8 *Attorneys for Plaintiffs*

9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA - RENO DIVISION**

11 PAMELA D. LONGONI, individually  
12 and as Guardian Ad Litem for LACEY  
13 LONGONI, and JEAN M. GAGNON,

Case No.: 3:10-CV-00297-LRH-(VPC)

14 Plaintiffs,

15 vs.

16 GMAC MORTGAGE, LLC., a Delaware  
17 Limited Liability Company, EXECUTIVE  
18 TRUSTEE SERVICES, LLC., a Delaware  
19 Limited Liability Company, ILLEANNA  
20 PETERSON, KATHLEEN GOWEN,  
21 individuals, DOES 1-10; BLACK AND  
22 WHITE CORPORATIONS 1-10,  
23 corporations; ABLE & BAKER  
24 COMPANIES 1-10, co-partnerships and  
25 or limited liability companies,

26 Defendants.  
27 \_\_\_\_\_ /

28 STATE OF TEXAS            )  
29 COUNTY OF DALLAS        ) ss.

30 **AFFIDAVIT OF JONATHAN "NATE" STEPHENSON**

31 1. I am over the age of eighteen years, and a resident of the County of Dallas, State  
32 of Texas.

33 2. I was employed with GMAC Mortgage, LLC, a Delaware Limited Liability  
34 Company, from approximately January or February of 2009, until late in 2009, as a loss

1 mitigation specialist. My duties in that position included working with borrowers to achieve  
2 a loan modification which was within the basic parameters established by GMAC Mortgage,  
3 LLC, (and/or its investors) and acceptable to the borrower. GMAC policies and procedures  
4 required that each time an employee communicated with a borrower or otherwise worked on  
5 a borrower file, that employee was required to prepare notes and updates in GMAC's internal  
6 electronic file.

7 3. Pamela Longoni and Jean Gagnon were borrowers that I was working with while  
8 employed with GMAC Mortgage, LLC. During the loan modification process, I frequently  
9 communicated with Pamela Longoni on her application. Each time I communicated with the  
10 borrowers, or otherwise worked on the borrowers' file, I entered a note in the file system  
11 describing the work or communication. In compliance with my requests, Ms. Longoni and  
12 Mr. Gagnon (the "Borrowers") submitted detailed financial information. Upon receipt of  
13 their information, I analyzed under the lender's loan modification guidelines. Based upon  
14 the information they submitted, Ms. Longoni and Mr. Gagnon qualified for a loan  
15 modification under the lender's existing guidelines. Based thereon, I submitted the loan  
16 modification package for approval to my general manager.

17 4. Although GMAC had instituted foreclosure proceedings against Ms. Longoni and  
18 Mr. Gagnon, when they commenced the loan modification process, that foreclosure was  
19 placed on hold. I informed Ms. Longoni of that fact both orally and by email communication.

20 5. On or about April 2, 2009, GMAC approved a trial modification, however, because  
21 I was seeking to write off approximately \$176,000.00 of the principal of the loan, approval  
22 for the final loan modification required approval from our Vice President. Based upon my  
23 review of Ms. Longoni's file, I felt the approval would be given and I informed Ms. Longoni  
24 of that fact by way of email communication.

25 6. On May 5, 2009, I was again contacted by Ms. Longoni requesting a status on the  
26 loan modification request. I checked the electronic file and determined that our Vice  
27 President had not yet reviewed the request, however, my review of the notes suggested that  
28 the modification was in line for approval. I informed Ms. Longoni of this fact by way of

1 email communication. I again informed her that any foreclosure was on hold.

2 7. In June of 2009, I was transferred to a new team, however, on June 29, 2009, I  
3 received an email communication from Ms. Longoni wherein she indicated that she was  
4 having difficulty locating the officer who was going to complete work on her loan  
5 modification. In response, I sent an email to my previous department inquiring into the status  
6 of her loan modification request. On June 30, 2009, I received a responsive email informing  
7 me that Ms. Longoni's file had been sent for final management approval. I also learned that  
8 an officer by the name of Landon Huck was now handling the file. I passed this information  
9 on to Ms. Longoni by way of email communication.

10 8. Later that same day, I reviewed Ms. Longoni's GMAC's internal file, and I  
11 received another email from my former department which indicated that Ms. Longoni's final  
12 loan modification had, in fact, been approved. I informed Ms. Longoni of that fact by way  
13 of email communication.

14 9. At no time during this process did anyone advised me that Ms. Longoni's loan  
15 modification was not approved, nor did her internal GMAC file reflect that fact. During the  
16 course of her application and trial loan modification process, the borrowers were generally  
17 in compliance with the repayment plan.

18 10. Shortly after my June, 2009, communications with Ms. Longoni, I learned that  
19 GMAC had proceeded forward with the foreclosure upon the borrowers' property. I was  
20 surprised by this fact, not only because I understood that GMAC had approved their  
21 permanent loan modification, but also, because GMAC would normally restart the  
22 foreclosure process anew once additional payments were received from a borrower under any  
23 loan modification plan.

24 11. After learning of these events, I was specifically advised by GMAC Mortgage  
25 management that I was no longer allowed to correspond via e-mail with borrowers. I was  
26 subsequently terminated by GMAC Mortgage for the purported reason that my production  
27 numbers were low, however, the numbers GMAC presented to me were not accurate.

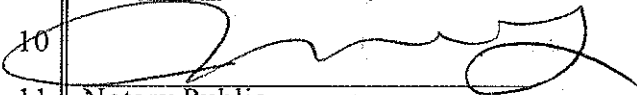
28 12. Because I had met my production quota during my employment with GMAC, it

1 is my belief that GMAC modified the production data in order to justify my termination. I  
2 believe the true reason behind my termination was because of the information from GMAC's  
3 internal file which I disclosed to Ms. Longoni in email communications.

4 DATED this 15 day of May, 2012.

5  
6   
7 JONATHAN "NATE" STEPHENSON

8 SUBSCRIBED and SWORN TO before me  
9 this 15<sup>th</sup> day of May, 2012.

10   
11 Notary Public

